

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

KEN MCDOWELL and JOSEPH COLLORA,	)	
individually and on behalf of those	)	
similarly situated,	)	
	)	No.: 1:22-cv-01688
Plaintiffs,	)	
	)	Honorable Judge Franklin U. Valderrama
v.	)	
	)	Honorable Magistrate Judge Young B. Kim
MCDONALD’S CORPORATION,	)	
	)	
Defendant.	)	
	)	

**JOINT MOTION TO STAY DISCOVERY**

Plaintiffs Ken McDowell and Joseph Collora (“Plaintiffs”) and Defendant McDonald’s Corporation (“McDonald’s”), by and through their respective counsel, respectfully request that this Court enter an order staying discovery deadlines until a ruling on McDonald’s pending Motion to Dismiss (“Motion”) (ECF No. 22) is issued. In support of this agreed Joint Motion, the Parties state as follows:

1. On August 29, 2022, this Court entered a Minute Entry from Honorable Judge Franklin U. Valderrama referring discovery supervision to Honorable Magistrate Judge Young Kim, and stating that discovery is anticipated to continue while McDonald’s Motion is pending unless the Parties request a stay of discovery (ECF No. 27);

2. On September 5, 2022, this Court entered a Minute Entry from Honorable Magistrate Judge Young Kim stating that the Parties have until September 16, 2022 to file their motion to stay discovery or the Court will issue a scheduling order for completing discovery (ECF No. 29);

3. It is well-established that “[d]istrict courts have the inherent power to control their own dockets, including the power to stay proceedings before them.” *Donets v. Vivid Seats LLC*, No. 20-CV-03551, 2020 WL 9812033, at \*1 (N.D. Ill. Dec. 15, 2020); *Clinton v. Jones*, 520 U.S. 681, 706 (1997) (“The District Court has broad discretion to stay proceedings as an incident to its power to control its own docket.”).

4. Accordingly, the Parties, with good cause therefor, respectfully request the Court enter an Order approving of the following agreed-upon terms:

- i. Discovery in this action is stayed pending this Court’s ruling on the Motion;
- ii. Plaintiffs and McDonald’s can serve their initial discovery requests at any time, but the recipient does not have to respond to such requests until thirty (30) days after this Court’s ruling on the Motion, assuming the present action is not dismissed;
- iii. With respect to such discovery responses, if the recipient has objections, the recipient will provide specific, individualized objections in a manner consistent with the recipient’s discovery obligations under the Federal Rules of Civil Procedure;
- iv. The Parties will negotiate (1) a stipulated protective order regarding confidential information (“Protective Order”) (which shall also be submitted for the Court’s review and approval); and (2) a protocol for discovery of electronically stored information (“Protocol”) before responses to such requests are due;
- v. Assuming the Protective Order has been approved and entered by the Court at the time for which such discovery responses are due, the recipient will make an initial document production concurrently with its discovery responses.

WHEREFORE, this Joint Motion has not been filed for purpose of delay or for any other improper purposes, the Parties respectfully request this Court enter a stay of discovery deadlines in this matter until after the Motion is decided, including the above agreed-upon terms.

Dated: September 14, 2022

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**CERTIFICATE OF SERVICE**

The undersigned counsel hereby certifies that the above filing was served upon counsel of record via the Court's electronic filing system on September 14, 2022.

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